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SPEECH

OF

HON. R. CHAPMAN, OF ALABAMA,

ON THE

BILL TO PROTECT THE RIGHTS OF

AMERICAN SETTLERS IN OREGON.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 17, 1846.

The House being in Committee of the Whole on the state of the Union, on the Bill to protect the rights of American settlers in Oregon—

Mr. CHAPMAN addressed the committee as follows:

Mr. CHAIRMAN: I rise this morning under some embarrassment to address the committee on this subject, when the present state of feeling among members on this floor, in consequence of recent events which have taken place in the other end of the Capitol, upon another, though no more important branch of the same subject, is quite unfavorable to a patient hearing. The passage of the notice in the Senate, since our last adjournment, though not in the form we sent it from this House, has somewhat changed the question now before us. I should not attempt to address the committee at all, if it were not for the peculiar position I find myself in, owing to the course I felt it my duty to pursue heretofore on this subject. I was one of only three of the party to which I belong, who voted at the last session of Congress against a bill similar, in some respects, though worse in many respects, than the present bill as it has been reported from the Committee on Territories. I might plead in justification of the course I pursued on that occasion, my re-election since, from the district I have the honor to represent; but it would be improper for me to justify myself on that ground, inasmuch as the question that has since occupied so much of the public mind, was not agitated at all during that canvass. I claim, therefore, no sanction from my constituents by my subsequent re-election, for the course I felt it my duty to pursue on this subject prior to that election. I place my election upon other grounds—upon the ground of generous confidence—by their approval of my course as their Representative for many years.

I consider, Mr. Chairman, that this is a question of immense magnitude; one that involves either immediately or remotely the question of peace or war between two of the most powerful nations on the face of the globe—two nations, whose combined trade and commerce throughout the world perhaps exceeds that of all the other Powers combined. All questions, therefore, involving the relations between such nations ought to be well considered. Hasty and intemperate action, as well as angry and incautious expressions by speakers and the press, ought to be avoided.

I foresaw at the commencement of this session of Congress that there was likely to be great indiscretion in the declarations of opinions upon this all-important subject; and when the Message of the President was read, it will be remembered that, in order to afford all an opportunity to weigh well and consider what was proper to say and do, before they had hastily committed themselves upon this question, I took the earliest occasion to call the previous question on printing the Message. To those who have observed the character of most of the speeches since, the necessity for that precaution will be sufficiently manifest.

I have regretted, Mr. Chairman, deeply regretted, the attempt made, in the discussion on the notice resolutions, to make this Oregon question a sectional one, and to give it a party character. I am sure, sir, that if there is any question that can be agitated in Congress that ought to be divested of all party or sectional character, it is this. I do think that gentlemen who claim it as a party or sectional question, forfeit much of their character for that patriotism, the want of which they charge upon others. If we cannot be united upon questions concerning our foreign relations, upon what question shall we be?

It has also been charged here, and perhaps in the other end of the Capitol, that there was an obligation upon the southern portion of the Democratic party to vote for all measures in relation to Oregon, without examining further, because those composing the same party from other sections, particularly from the West, had presented an undivided front, or very nearly so, upon another question, which they are pleased to call a southern

question—the annexation of Texas. They say there was an agreement of that sort—implied, at least—the substance of which they contend was stipulated in the resolutions of the Baltimore Convention in favor of the *reannexation of Texas, and the reoccupation of Oregon—twin sisters in the Democratic creed.* Mr. Chairman, for one individual, I did not admit any such obligation; I deny any such agreement. Not having the fear of the Baltimore resolutions before my eyes, but having a fear—a well-grounded fear—of the evils contained in the bill on this subject at the last session of Congress, and the mischief that would certainly have followed its passage, I took upon myself the responsibility of voting against it, and in so lean a minority. Subsequent reflection and examination have convinced me that I did right. In this opinion I am fully sustained by the President in his Message; for, instead of recommending such a bill as that was, he very plainly admonishes you that it contained provisions inconsistent with the obligations of the treaty of 1827.

I say it has been charged that there was an obligation incurred, by the course of western gentlemen in relation to Texas, that southern members must "go it blind for Oregon." Why, do not gentlemen see that there are two sides to this question—that if any obligation of that sort was incurred, it was not such an obligation as, according to the laws regulating good morals, and the course of free and unbiased representation, could be enforced; and that while they convict others of bad faith for following the dictates of their own judgment and sense of duty, they convict themselves of worse motives? Because, if they make out a case of bad faith against southern gentlemen for not voting for Oregon in consideration of their having voted for Texas, they say at once that they voted for Texas, not for any merits in the question, but because of the bargain. We heard nothing of this charge last year, when the bargain, if any such ever was made, was more easily established than now; perhaps it was not necessary to urge it then, as there were only three Democrats who at that time opposed the Oregon bill. But the annexation of Texas was not urged as a southern or as a party measure by its friends; it was pressed as a national measure, the success of which was to advance the interests and prosperity of every portion of the Union. In its final accomplishment, no treaty stipulations were violated; no injustice done to any third Power. The subject was one that concerned alone the United States and Texas. The people of both countries desired the annexation, and it was passed—passed, too, under resolutions drawn up by a Whig; and no one objected on that account. So it was not made a party measure, after all. The interest and prosperity of the Union—the whole Union, including Texas—have been advanced by the annexation; and if any part of the Union has been more benefited by the measure than another, it is the western States; because a new and extensive market has been opened to them for the vast productions of their fertile country.

I trust, then, we shall hear no more charges on account of Texas obligations from western gentlemen.

I have said that this is a question of much moment—the great measure of this Administration, and the most important now before the public. The history of it is quite peculiar. Until within a few years past, it had been but little agitated among the people, although it has for nearly half a century been a subject most embarrassing with our Executive, and our negotiators at London. Because of the difficulties of the conflicting claims of the United States and Great Britain, which could not be amicably adjusted, the two Powers agreed, from time to time, to hold the territory, so far as its occupation was concerned, *in common*, leaving the title in abeyance. This arrangement, when made, was deemed advantageous to both Governments; and, until within the last eight or ten years, no inconvenience resulted from it, because we had very few citizens in the terrritory to claim the protection of our Government; the subjects of Great Britain who were there had, under their charter from the Crown, ample authority to govern themselves, and protect themselves from the attacks of the Indians while carrying on their business as traders with them.

About eight years ago our citizens commenced settling in Oregon, and they now far outnumber the British; they have increased to some eight or ten thousand, and claim the protection of our laws. Thus the necessity for a settlement of the question of title has become more and more urgent. The subject was several times brought before Congress prior to the last session, but no proposition was ever seriously urged, I believe, until then, to dissolve the convention with Great Britain. At that session we were officially informed that negotiations, with a view to the settlement of the question of title, was going on, and we had every assurance that there was a fair prospect of a favorable result. Nevertheless, a bill was introduced and passed this House, establishing a separate territorial government in that territory up to the utmost claim we have—54° 40′—with provisions even stronger than the bill now before us contains, and containing a section requiring the President to give notice of the abrogation of the convention; so that at the end of twelve months British subjects there were to come immediately under our laws, and liable to be expelled the country. Against that bill I voted; and against such a bill I presume there are scarcely any members now here who would not vote, although the circumstances now would much better justify such a measure than as they then existed.

The objection to that bill did not consist alone in the amendment offered and adopted just before the vote was taken, providing for giving the notice of the termination of the joint occupancy, against which almost the entire Democratic party voted. There were other objections—all that are to be found in this bill, and more than my time will allow me to point out. That bill failed in the Senate, and the negotiation went on here, between the British Minister and this Government. The disclosures made by the President, in his Message to the present Congress on this subject, opened a new and most important chapter to us. Instead of a favorable prospect of an amicable settlement of the vexed question by negotiation, he told us that, after repeated efforts, all prospect of terminating the controversy in that way had failed, and that "no compromise which the United States ought to accept can be effected." He disclosed to us another very important fact, that in the course

of the negotiation, "in deference alone to what 'had been done by his predecessors, and the im-'plied obligation which their acts seemed to im-'pose," he had proposed to the British Minister to settle the question in dispute by dividing the territory at the 49th parallel of latitude. This most liberal offer was, however, refused by Great Britain, and afterwards withdrawn by our Government. Thus the negotiation was found by us at the meeting of Congress.

The impropriety of going into an investigation of the *title* to this territory, when that is the subject of dispute between the two countries, (and I hope still of negotiation also,) must be obvious to any one, unless confined to our side of the question, and then it ceases to be free discussion. Nearly every one who has spoken on this question admits the impolicy of debating the title, and still I have scarcely observed one who has not committed himself upon it. This has been the cause of a great deal of feeling here, and has prejudiced negotiation. Our speeches, especially if they favor the British claim, are freely published and circulated on the other side of the water, where the defects in our title and our divisions at home are thus exposed. It is said, however, that it is necessary to expose the weakness of our claim (if it is weak) to the extent contended for by some, lest an erroneous state of public opinion may be created. This evil may be avoided, however, by other modes, without running into the other extreme of making such congressional speeches. This objection may be obviated by addresses to the people *directly*, giving our views on the subject of the title, without adopting the usual course of making Congress the vehicle for conveying our opinions on the subject to the country. Congressional debates, however obscure the speakers are here, are all read in such foreign countries as feel an interest in the subject. They are read there as authorities against us, as we read here speeches made in Parliament, as evidence against the British claim. I have thought, and so must all who will examine the able arguments of our present and late Secretaries of State in favor of our title, that we may safely rest our case in such hands. I have considered it a great misfortune that circumstances rendered it necessary to bring this question before Congress, because of the improprieties that have been alluded to. Questions touching our foreign relations ought always to be cautiously handled; they are much safer with the Executive branch of the Government than with Congress. For one, while I am as far as any one here from such influences, I believe it to be my duty to sustain the President in carrying out his views upon such questions, when I can do so without a violation of my principles. On the present occasion, I am free to say, without intending to commit the error I have deprecated in others by examining the title, that I heartily approve of the President's course in offering the compromise he did. He has been, as I sincerely believe, most unjustly censured for not making known upon what terms, or at what line he would or would not settle this question. If gentlemen will reflect upon the duties of the President, they may rack their brains in speculating as to what he will do—they may work themselves into a desperate passion, because this or that is likely to be adopted; but they can never blame him for refusing to publish his views. If, as I have shown, the wordy, and often ill-considered, speeches in Congress are capable of making mischief in our negotiations, how much more would the indiscreet expressions of opinion by the President, on propositions that may never be made, produce?

The President recommended notice to be given under the provisions of the treaty for the termination of the joint occupancy. This, after a protracted debate, was passed in this House, and has, after still more delay, passed the Senate with an amendment. Upon that measure I desired to express my sentiments when it was under consideration here; and made repeated efforts to obtain the floor, but without success. I did not desire then, as I do not now, to discuss the title, but to assign my reasons for voting at this session for giving the notice, having voted at the last session against it. I desired to say, that as we were informed at the last session that negotiation was progressing under favorable prospects, to have given the notice (without the very objectionable bill of which it formed a part) would have been improper and unnecessary. But since that time negotiation has been tried and failed, thus far, at least, to settle the difficulty. Since that time, the people have taken up the subject, and demand its speedy termination in some way. Whatever may have been the advantage of the joint occupancy treaty to us, as a means of avoiding the consequences that naturally would have resulted from the repeated failures to settle this question by amicable means, until we could settle the disputed country with our citizens and prepare to meet the consequences; after the question had taken such hold upon the public mind—after certain politicians had seized upon it as a political machine to pull down some men and elevate others—it was time to bring it to a close, to take it from before the public and out of the hands of partisans.

It is not strange that the people do now demand a settlement of this question. They naturally conclude that if the country, or any part of it, belongs to us, we ought to have it exclusively in our possession: they dislike any partnership between this country and another, especially with Great Britain. The title, and the evidences to sustain it, are too difficult and tedious for the mass of the people to examine; and whatever may be the true line of division—whatever obligations may have been incurred by the former offers by our Government to take less than the whole—the natural, the patriotic sentiment among our people is, when a conflict arises between this country and another on a claim to territory, as well as any other question, to "go for our country, right or wrong"—a sentiment so patriotic, that however we may regret it when it sustains the wrong, we must admire the heart from which it flows.

The importance of this question, consists not so much in the real value of the territory in dispute, (which has no doubt been much exaggerated,) as in the consequences that must ensue if the difficulty cannot be settled amicably. In that case, the last alternative of nations must follow—an alternative that none of us ought to desire. In this enlightened age of the world, war between two of the *most enlightened* nations cannot ensue, especially about a piece of property not worth the cost of the war to either (saying nothing of the expense of preparation and the loss of life) for three months,

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without gross mismanagement somewhere. I have confidence, therefore, that it will be avoided; but, to avoid it, the question *must now be settled*. The tendency of delay is to change the nature of the present dispute from one about a claim to property, to one of *national honor*. By keeping up the controversy, the feeling of the people on both sides will become irritated, until the cry *for justice* will be overcome by the louder cry of *revenge*. I have said that I approve, *heartily* approve, of the President's effort to compromise this question: the whole country has approved it, and will sustain him in any just settlement he may hereafter make; but I will say, that the voice of the people in favor of taking possession of the whole country is getting stronger and stronger every day; and I fear it will continue in that direction until the question is settled, as I have an abiding confidence it soon will be.

I have said, Mr. Chairman, that the President, by the course he has pursued hitherto, has given us plainly to understand what he will do hereafter. That he sincerely desires to preserve the peace of the country, if he can without a sacrifice of our national honor, no one can doubt. That he may be enabled to do this, let us not, by hasty and inconsiderate legislation, embarrass him. And this brings me to the consideration of the bill now before us—a bill, in my humble judgment, pregnant with mischief in the present state of the question. I say, *in the present state of the question*, Mr. Chairman; because, whatever acts Great Britain may have passed in relation to her citizens, (the character of which are greatly misunderstood,) we have subsequently entered into the joint-occupancy treaty with her, and so assented to them. Besides, Great Britain had not, at the time of passing her acts, given us notice, as we have now provided to give her; so that our legislation must be considered in connexion with the notice of the abrogation of the treaty.

The President informs us that the people of Oregon "are anxious that our laws should be extended over them;" and he says: "I recommend 'that this be done by Congress, with as little delay 'as possible, in the full extent to which the British 'Parliament have provided in regard to British 'subjects in that territory by their act of July 2, '1821. By this act, Great Britain extended her 'laws and jurisdiction, civil and criminal, over *her* '*subjects* engaged in the fur trade in that territory." The President further says, that "subsequent to 'the date of this act of Parliament, a grant was 'made from the British Crown to the Hudson Bay 'Company, of the exclusive trade with the Indian 'tribes in the Oregon territory, subject to a reser-'vation that *it shall not* operate to the exclusion 'of the subject of any foreign State, who, under 'or by force of any convention for the time being 'between us and such foreign State, respectfully, 'may be entitled to, and shall be engaged in the 'said trade."

Here is a recommendation that we extend *our laws over our own citizens* in Oregon, as Great Britain has extended *her laws over her citizens*. Thus far, I am more than willing to go; but the bill does not stop here. It proposes to extend our laws, after twelve months, over *all* citizens in any part of the territory, up to 54° 40'. Does not every one see that this must necessarily bring the two countries into a state of hostilities? The President saw it would not only do that, but would cut off all prospect of settling the question amicably, within the twelve months, which he tells us he is anxious to do. This bill proposes that all British subjects shall, after twelve months, be expelled from the Oregon territory. This we threaten to do while we have a treaty providing that the citizens of each country shall occupy it jointly; and while we are negotiating with Great Britain for an amicable settlement of the question. Do not gentlemen see that such an act must, to say the least of it, embarrass the negotiation? Can we calculate that we can pass this bill without interrupting negotiation? To enable us to appreciate the irritation that the passage of such a bill would produce on the part of Great Britain, let us suppose that she had given us the notice (as she had the right to do under the treaty) of the abrogation of the convention, and then that Parliament had passed a law, that at the end of the year our citizens were to be driven from the Oregon territory: is there a man on this floor—is there an American citizen anywhere, who has the heart of an American—who would not consider such acts as equivalent to a declaration of war? For one, I would not only refuse all negotiation with her under such circumstances, but prepare at once to meet her, and decide the contest by arms. I do not believe there is a man on this floor, whether he is for 49° or 54° 40', who would not, under such circumstances, be for ending all negotiation.

The President, after recommending the measures before stated only, says: "It is submitted to the 'wisdom of Congress to determine whether, at their 'present session, and until after the expiration of 'the year's notice, any other measures may be 'adopted, consistently with the convention of 1827, 'for the security of our rights and the government 'and protection of our citizens in Oregon. That 'it will ultimately be wise and proper to make 'liberal grants of land to our citizens there, I am 'fully satisfied."

I have, Mr. Chairman, stated every recommendation the President has made in relation to the exercise of our authority, by Congressional legislation, in Oregon. All are carefully expressed, with an eye to, and in view of, our solemn treaty stipulations. "The faith of treaties, (the President says,) in 'their letter and spirit, has ever been, and I trust 'will ever be, scrupulously observed by the Uni-'ted States." To all these recommendations, I heartily subscribe. I will vote for them all most cheerfully, because they are wise and proper, and in no respect in violation of our treaty obligations, or calculated to interrupt the free course of amicable negotiations. Beyond these recommendations we ought not to be required to go; and for one, I *will* not.

Having shown, Mr. Chairman, what the President recommends on this subject, I ask whether this bill does not go a great deal beyond his recommendation—beyond what he says, as plainly as he can say it, we can go consistently with our treaty obligations with Great Britain? This bill is entitled "A bill 'to protect the rights of American settlers in the 'territory of Oregon until the termination of the 'joint occupation of the same." I will vote for any bill that this title can apply to; but the first section extends the laws of Iowa over the Oregon

territory, "provided that it shall not be construed 'nor executed in such a manner as to deprive the 'subjects of Great Britain of any of the rights and 'privileges secured to them by the treaty of 1827 'with the United States, until the said treaty stipu-'lations shall cease by virtue of the notice provided 'for in the second article of the treaty."

The very first section extends the law over British subjects after the twelve months; thus it violates the title of the bill, and the treaty obligations which the President so earnestly recommends us to hold sacred. I was pleased to see my colleague [Mr. HOUSTON] move an amendment to avoid this objection, (as he no doubt intended it to do, but which would not have that effect,) to strike out of the bill the latter clause of the first section, in these words: "until said treaty stipulations shall cease by virtue of the notice provided for in the second article of said last mentioned treaty," and so prevent the operation of the law on the British subjects, as well after the expiration of twelve months as before. But inasmuch as no treaty stipulations will exist after the twelve months notice is given, the proviso in the section would have nothing to operate upon, and the section would apply to British subjects as well with my colleague's amendment as without it. As my colleague intended his amendment to limit the operation of the bill to the term of joint occupancy, and as he must see that it will not effect his object, he cannot object to such an alteration of it as will accomplish what he designed.

Mr. HOUSTON explained that his colleague did not understand him correctly. His object was so to frame the bill as for it to say nothing about the termination of the joint convention. Let it go into operation as a law of the land, and so continue until it may be superseded by other legislation. He did not propose to limit it to the abrogation of the treaty; but while he would not consent to legislate now for the state of things which may exist after that time, he would also refuse to limit the operation of this bill, leaving it to be superseded by subsequent legislation.

Mr. CHAPMAN continued. I would not do my colleague injustice. I will not state what he said to me and other colleagues [Messrs. DARGAN and YANCEY] at the time; but I will state what he is reported to have said in the paper (the Union) to which I referred.

Mr. CHAPMAN then read from the Union of the 13th of April, as follows:

"Mr. G. S. HOUSTON moved to amend the first section of the bill by striking out the following words from the end thereof:

"'Until said treaty stipulations shall cease by virtue of the 'said notice provided for in the second article in said last-'mentioned treaty.'

"Mr. G. S. HOUSTON advocated the amendment which he had proposed. At the end of the year the subject could be legislated upon. It was unnecessary to make any provision in advance."

The object of the amendment, Mr. Chairman, could not have been more clearly expressed than it is in this report of my colleague's remarks. It was to limit the operation of the bill to our own subjects in Oregon and to the time of joint occupancy.

Mr. HOUSTON again interposed, and said he desired to understand his colleague. He did not understand him when he says he will not repeat the conversation which I had with him or with others of my colleagues. Now, he certainly knows that a remark of that sort is calculated to create improper impressions, much more so than if he were to repeat any conversations I may have had with him. I do not now remember what I may have said to him; but I state to my colleague and to the committee, that I said nothing to him in private or to any of my colleagues which is inconsistent with the position I have assumed now and previously.

Mr. CHAPMAN. I understood my colleague, then, as he was reported—that is, that he wanted to limit the bill to the joint occupancy. So did others understand him.

Mr. HOUSTON said he had not read his remarks as reported, nor did he generally read the reports. But he found that his remarks were correctly reported; that when the time came for the expiration of the treaty, they all contemplated further legislation, and knew it to be necessary. He did not mean to say that this bill would absolutely expire then, but simply that it would be suspended by further legislation.

Mr. CHAPMAN. I take the gentleman by what he says himself as reported; he admits that he is *correctly* reported, and it is not likely that he is misreported, as he sits within a few feet of the reporters. I have said that I was gratified when my colleague moved his amendment with the avowed purpose of limiting the operation of the bill to our own citizens—to the time of the joint occupancy—to conform the bill to its title. I regret now to learn from him that his object was not as I supposed, not as declared by him at the time to me to be his object. Then, what object had he in offering the amendment? I have shown that it would not change the bill in any way—that its operation would be the same *with* the amendment as *without* it. The amendment would render the bill more objectionable in this: that it serves to conceal, what without it is avowed. The title of the bill is calculated, as I have shown, to mislead us as to its object; the first section goes beyond the title. My colleague's amendment only serves still to keep up the deception, although I am sure he would not intentionally practice such a deception. I will not believe for a moment that the committee who reported this bill intended to practice any deception upon the House by giving it a false title; much less will I suppose that, in adding the tail which my colleague proposes to cut off, they acted as a horse jockey who puts on the price of his horse ten dollars in addition, to fall, if it becomes necessary, in order to effect a sale. But I will say, that the bill ought to conform to its title, especially in so important a particular. Bills are often read here by their titles, and sometimes passed by their titles, without further examination. The first section of the bill, then, is highly objectionable: first, because it extends our laws over British subjects, after the twelve months' notice, in violation of our treaty stipulations; because it holds out a threat to Great Britain that we shall take possession of the whole territory, when we have, for nearly half a century, recognised her joint right to occupy it. Such a measure at this time, following the notice we have authorized, will, in my judgment, seriously embarrass the President in his efforts to settle the difficulty by negotiation, if it does not bring

war. Secondly, I object to that section, Mr. Chairman, because it proposes to extend the jurisdiction and laws of the Territory of Iowa, not only as they *now exist*, but also such as may be passed by the authorities in Iowa hereafter, over the whole territory of Oregon up to the Russian line; thus transferring from Congress to that Territory the delicate power of legislating for a territory over which a foreign Government claims equal rights of occupancy. This power is too important to be transferred; it is a power to *make war*, which we have no right to delegate to Iowa. It is too important to be exercised, except in the very last resort, by ourselves. It should never be transferred.

It has been said, Mr Chairman, that this bill has been so framed as to commit all who vote for it to the doctrine of the "whole of Oregon or none." This has been boldly avowed here, but I cannot admit such a construction, although I oppose the bill. If such a committal could legitimately follow, it would constitute with me an insurmountable objection to the bill; for my policy has always been to leave the President altogether free and unfettered by legislation to settle the matter by negotiation. And who can expect him to compromise the question if we vote for a bill asserting our rights to the whole?

The gentleman from Georgia, [Mr. COBB,] in his speech a few days ago, gave us his opinion as to the effect of voting for this bill. He stated, (if I did not misunderstand him,) that those who believe in our clear right to the whole territory could very consistently vote for it—so could those who believed in our perfect title up to 49°, and our better title to the rest; but that those who only believe that we have a right up to the 4[illegible]ree, and are willing to compromise at that li[illegible]not consistently vote for this bill; and it [illegible]do, they are committed to 54° 40'. As I am opposed to committing myself upon questions of so much importance until there is a necessity for it, I will save such construction, as far as I am concerned, by denying the conclusion. The gentleman failed altogether in convincing me by his argument that such a conclusion was legitimate; his rule, to be a good one, ought at least to work both ways. It has also been contended that all who voted for the bill of last session committed themselves to 54° 40'. This conclusion is much more reasonable, as that bill expressly defined our limits to that latitude, organized a separate territorial government throughout, and had the notice incorporated in it; in all which it differed from this bill. I will not undertake to say, nor do I believe, that those who voted for that bill intended to commit themselves to 54° 40'. That bill was hurried through without much consideration. Many members who voted for it, I know, have regretted the vote, since they have examined its provisions. I confess that I had not an opportunity of examining it as well as I desired. Acting, therefore, upon the safe rule of voting against such measures as I have not a chance to examine, as well as such as I disapprove of, I voted against it.

[A voice. You acted on the masterly-inactivity principle.]

Mr. CHAPMAN. No; I am not one of your masterly-inactivity men; but I had rather remain inactive—had rather vote against a measure I have not fully examined, or as to the policy of which I doubt, than to vote blindly or doubtingly.

Mr. Chairman: To the fourth section of this bill I object. That section provides that *hereafter* there shall be granted to each settler in Oregon over eighteen years of age, three hundred and twenty, and to all under that age, one hundred and sixty acres of land. Now, all who know me, and my uniform course here, can testify to my zeal in behalf of the settlers on the public lands—the adventurous and worthy pioneers in a new country—in enabling them to obtain their lands even *without price*. But I cannot see how grants can be made in Oregon consistently with our treaty, so long as the joint occupation continues, and until the Indian title is extinguished. The President very justly says, that *after these difficulties are removed*, it will be proper to make liberal grants of land to the settlers. He does not recommend it *to be done now*, because it is a violation of the treaty. In fact, by expressing his opinion that it will be proper to do it *after* the difficulties referred to are removed, he expresses the belief, that without a violation of the treaty it cannot *be done before*. But it is said that the bill does not grant, but promises hereafter that land shall be granted. Is there not an obligation incurred by the Government? If so, it is as binding as an absolute grant. I heard my friend from Georgia, [Mr. JONES,] on yesterday, laboring to point out the distinction between a *promise* to grant land hereafter, which he says is no violation of the terms of the treaty, and an *absolute grant*, which he admits would be. I know that gentleman has a very high reputation as a lawyer—no higher, however, than he deserves—but he failed to convince me that there was any difference in the obligation created in the two cases. If no obligation is created, why make the provision? and if it is created, a grant can do no more. If (as my friend from Georgia admits) our treaty engagements prohibit us from making *absolute* grants in Oregon, the public faith will be violated *if we do*. And if we promise hereafter to make grants there, and *do not*, the public faith is also violated. Then, how can we pledge the faith of the nation *not to do* and *to do* the same act at the same time?

[Here Mr. JONES asked leave to explain; but Mr. C. declined to yield the floor, as his hour was running out.]

Mr. C. said: I heard the gentleman's reasoning yesterday. I cannot have my remaining time taken up in an effort to convince me of a distinction between the moral obligation to comply with a promise to grant land, and an actual grant. There are some propositions so plain that they do not admit of reasoning—others so absurd that reasoning upon them ought not to be permitted; of the latter class I consider the distinctions that my friends from Georgia [Messrs. JONES and COBB] have attempted to prove.

Mr. Chairman, I have endeavored thus briefly to point out the objections to the bill now under consideration; objections that may very easily and ought to be removed, without changing its character as "a bill to protect the rights of American settlers in the territory of Oregon until the termination of the joint occupation of the same." The amendment proposed by the gentleman from Ohio [Mr. VINTON] I hope will be adopted, so as to confine the operation of the bill to our own citizens, and

limit it to the joint occupation. Without that, or some similar amendment, it will, in my judgment, not only violate the terms of the treaty, but will embarrass the Executive in his efforts to settle this vexed question amicably.

Why, let me ask, Mr. Chairman, are we called upon to pass a bill at this session, containing provisions so obnoxious to many members of the Democratic party? Why not delay, at least until the next session, the delicate, the dangerous experiment of extending our laws over British subjects—of threatening to expel them from the country? We shall meet here again long before the twelve months' notice can be given. In the mean time, a treaty may be concluded, so that such a course may not be necessary; or if no treaty is made, it can then be done, so as to meet the emergency, if any exists. "Sufficient unto the day is the evil thereof," is a motto of high authority, and should never be disregarded. At the next session, provided no treaty is made in the mean time, I confess that the necessity for such legislation will be greater, inasmuch as the twelve months will have expired before another Congress assembles. I frankly confess, Mr. Chairman, that there are great difficulties in the way of any legislation under the joint occupancy. It is not easy to arrange a system by which the separate laws of the United States and Great Britain over the same territory can be extended, without a conflict of jurisdiction. Two sovereignties cannot exist well together. All who have observed our own beautiful system—our novel and complicated machinery of Federal and State Governments—must admit how difficult it is to carry on the two in harmony. Nevertheless, we have the right, under the joint convention, to legislate for our own citizens; and if, in the exercise of this right, such conflicts ensue, we must meet the consequence. But let us do our duty by guarding our legislation, and keeping within our just powers under the treaty. Great Britain has not pretended to claim jurisdiction over *our citizens*, nor ought we to attempt to exercise ours even prospectively over hers. When the twelve months' notice has been given, if no settlement of the question is made, and we are reduced to the alternative referred to by the President, of abandoning or asserting our rights in Oregon, the time will then have arrived, as he says, for action. All will then say, *our rights shall be asserted.* In the mean time, I am in favor of extending our laws over our citizens in Oregon, and of affording them all the protection while emigrating there, and after they get there, that can be afforded without a violation of the treaty. I will vote for any bill confining its operation to our own citizens there. This we have the right to do under the convention. For the sake of harmony and union among the friends of the Administration, I ask, then, why not avoid the objections that have been urged against this measure; or at least, why may we not delay the obnoxious provisions until the next session, as they cannot operate before, except to embarrass negotiation? If we must differ upon principles, let us put off the disagreement until it becomes necessary. For in the mean time there may be such a change of circumstances as to avoid any disagreement. By that time we may all unite upon a measure suited to the then existing state of things.

Mr. Chairman, I confess that I have felt mortified to observe, during all this Oregon debate, so little disposition manifested by those who claim to be the peculiar friends of Oregon, but who are, in my estimation, ultra in their course on all measures relating to the question, to secure union in our action. On this subject—so delicate, because it intimately concerns our foreign relations—it does appear to me that union and harmony are of more importance than upon any other. The moral force of that united public sentiment, which is altogether within our power, if we will mutually yield something for the sake of securing it, is worth more than any difference in the various plans proposed for our action. Give the Executive the benefit of such a moral force, and my word for it, the difficulty will be adjusted in such a way as to satisfy all who have not resolved already not to be satisfied. Instead of securing such a *moral force*, we have been delivering *moral lectures* to England. The legitimate business in hand, of so conducting our affairs as to ensure an advantageous and amicable settlement of the present dispute, or of making timely preparations to meet the consequences if it comes to that, have all been overlooked, and a long list of other injuries, committed by Great Britain upon other nations, as well as upon ourselves, have been hauled up for examination. This is indeed a new plan of settling a dispute—by recurring to old ones long since settled; or if not settled, "not now before the court."

Let us remember, and profit by that old saying, that "a certain man once made a fortune by attending to his own business." After we have secured an advantageous settlement of our present difficulties with Great Britain, amicably if we can, forcibly if we must, if we have nothing of more importance to engage our attention, we can look into the conduct of that proud and overbearing nation towards others. But first let us settle our own affairs.

Mr. Chairman, I have said that it is not my purpose, on this occasion, to examine into the respective claims of the United States and Great Britain to this territory. That question is not necessarily involved in legislating on the measures as far as recommended by the President. This bill, however, goes beyond his recommendations, by extending to British subjects, and beyond the joint occupancy. To those who advocate the bill extending to British subjects and proposing to drive them from the whole territory, belongs the responsibility of making out our perfect title to the whole up to the Russian line. I do not propose such legislation now, consequently that task is not mine. I will say, however, Mr. Chairman, that I do not decline the examination of the title with any view of shielding myself from responsibility. When it becomes necessary for me to do so, I shall express my views freely and clearly; at present it is neither necessary nor prudent.

We have heard much upon this subject. By some our claim has been traced to "Adam's will;" by another, to a still older authority—"the Book of Genesis." Sacred as these authorities are, they have been disputed. Great Britain claims also to be a legatee under the will of Adam; and the authority of the Old Testament, so triumphantly brought up by the gentleman from Massachusetts, [Mr. ADAMS,] may likewise be controverted. We both heard, in a sermon preached in this Hall last

Sabbath, another fact stated in that same book of Genesis disputed. We were then told that the generally received statement that the world was created in six days, was all a fiction; that, instead of *six days*, many thousand years were required for the creation of the world. I will not say, however, that I believe in this new and strange theory.

Mr. Chairman, I ask the gentleman from Massachusetts, [Mr. ADAMS,] how it happens that he did not find these conclusive proofs of our perfect title to the whole territory up to 54° 40′ sooner? Why did he, as Secretary of State and as President, agree that Great Britain should jointly occupy the territory with us, if our exclusive claim was so clear and so easy of proof? Why did he tell us at the last session, in his speech on this subject, that the reason the conventions of joint occupancy of 1818 and 1827 were agreed to was, "because 'we did think there was some substance in the 'claim of the British Government, and that it was 'a fair and honorable proposition to them to com- 'promise—to give up our claim as far as 49° rather 'than fight for it? What at that time was the alter- 'native to this mutual suspension of the claims of 'the two countries? It was instant war"—(see Appendix to Congressional Globe, page 227)—if he was so well convinced of our title to the whole country as he now is? These things surely were not done to strengthen the British claim to a point, when she would *surely fight for it*, rather than give up the whole after such long occupation by agreement.

[Here Mr. ADAMS asked permission to explain, but Mr. C. declined yielding the floor, as he said, for want of time.]

Mr. C. said, that whatever the defects in the title of Great Britain may have been originally, by the acts of our Government her claim had ripened into something tangible. She has been so long in possession of the territory under the joint occupancy—first with Spain, and then with the United States—that gentlemen who expect her quietly to yield up the territory without a struggle are greatly deceived.

For these reasons, Mr. Chairman, I have approved of the course of the President in offering the compromise at 49°, and for one I shall sustain him in any settlement of the question he may make upon that basis. I believe the whole country will sustain him except those who go for war—or for all of Oregon or war, which is the same thing. That he may be enabled to settle this question upon advantageous and honorable terms, if possible, I shall oppose all measures that may fetter him, or embarrass the negotiations; and I shall vote for all such measures that he, with a full knowledge of the whole case, and in view of the consequences, has recommended.

Mr. Chairman, the same considerations that induce me to deprecate the war speeches we have heard here, calculated to excite angry feelings abroad and irritation at home, cause me also to disapprove of such as have been made on the other side of the question; showing to our adversaries the weakness of our title to the territory, and our want of military and naval preparation to defend our claim, if, unfortunately, the ultimate resort of nations should become inevitable.

Mr. Chairman, all such speeches have, in my judgment, had a most unfavorable influence upon this question. Much better would it have been for the country, both for our character as a nation and our success in the present difficulty, if such speeches had never been made.

I have heard it boldly avowed by a distinguished statesman, during this debate, that "the hearts of the people must be prepared for war." What, Mr. Chairman, prepare the hearts of the American people for war! Is it meant by this sentiment to say, that the American people are indisposed to war, when the honor of the country demands it? If so, the sentiment is a slander upon the character of Americans. Or is it intended that the hearts of the people shall be prepared for war, when our national honor does not require that horrid alternative? If so, the sentiment is wicked in the extreme—it would have been called savage in any age of the world. In this age of enlightened reason and of civilization, no sentiment could be more detestable.

If any corrective is needed among the people of this country, it is the reverse—they are too eager for war. The statesman who will use his influence to allay the war feeling among the people, unless the honor or the rights of the country require war, evinces a thousand times more moral courage and true patriotism, than he who urges on the conflict, when it can, without a sacrifice of national honor, be avoided.

Mr. Chairman, there is, in this Democratic land, so much national pride, so much love of country, and sincere devotion to our free institutions, that the tendency of public sentiment is too often with those who raise the cry for war. Each individual in this country is himself a part of the sovereignty of the nation, and bears his share of the national character: he feels this responsibility, and is jealous of national honor. Our history thus far is an illustration of this tendency in the public mind. We all know that those who opposed the last war became so odious thereby, that a generation was not sufficient to atone for the crime; and to this day, we hear "that sin of the father thrown in the teeth of the son." With such examples before us, but few are bold and daring enough to pause for an examination into the cause, when the cry of war has been sounded, lest they may share the fate of others.

If, unfortunately, this controversy shall result in war, the hearts of the people will be prepared for the event; they will no longer inquire how or when the cause originated, but they will pour out their means and their blood to defend the rights of their country, whether they are in Oregon or elsewhere.

But I trust in God that no such alternative may become necessary.

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